

**ADVERTISEMENT OF PERSONAL CARE SERVICES**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Anthony E. Loubet**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses advertisements for certain personal care services.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits an entity that is not licensed by the Department of Health and Human Services (department) from advertising certain personal care services;
- ▶ requires the department to:
  - solicit information regarding prohibited advertisements from the public; and
  - provide notice to an entity regarding the entity's prohibited advertisements; and
- ▶ provides injunctive relief and civil penalties for engaging in prohibited

advertisements.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**26B-2-102**, Utah Code Annotated 1953



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **26B-2-102** is enacted to read:

30 **26B-2-102. Personal care services -- Advertisement prohibited without a license --**  
31 **Injunctive relief -- Civil penalty.**

32 (1) As used in this section:

33 (a) (i) "Advertisement" means a written or graphic statement or representation made in  
34 connection with a solicitation of business.

35 (ii) "Advertisement" includes a statement or representation by television, radio,  
36 newspaper, leaflet, billboard, website, social media, or sign.

37 (b) "Health care professional" means a physician, physician assistant, advanced  
38 practice registered nurse, or nurse.

39 (c) (i) "Personal care services" means services to assist an individual with daily living  
40 activities that do not require the direct supervision of a licensed health care professional.

41 (ii) "Personal care services" includes services to assist an individual with:

42 (A) meal preparation;

43 (B) eating;

44 (C) bathing;

45 (D) dressing; or

46 (E) personal hygiene.

47 (2) Except as provided in Subsection (5), an entity may not advertise personal care  
48 services unless the entity is licensed by the department to provide the personal care services.

49 (3) The department shall:

50 (a) solicit information from the public relating to violations of Subsection (2); and

51 (b) upon identifying a violation of Subsection (2), send a written notice to the entity  
52 that describes the alleged violation.

53 (4) (a) The department or another interested person may commence an action to enjoin  
54 an entity from violating Subsection (2).

55 (b) In addition to injunctive relief, a court that finds an entity is in violation of  
56 Subsection (2):

57 (i) shall order the entity to forfeit proceeds resulting from the violation; and

58 (ii) may require the entity to pay a civil penalty of up to \$10,000 for each act in

59 violation of Subsection (2).

60 (5) This section does not apply to:

61 (a) a school;

62 (b) a child care provider; or

63 (c) an entity that ~~H~~→ :

63a (i) ~~H~~ provides personal care services exclusively under contract with the  
64 department ~~H~~→ [ ] ; or

64a (ii) advertises personal care services exclusively on behalf of a licensed health care  
64b professional. ~~H~~